

REMARKS

Applicant submits the following remarks in response to the Office Action dated September 8, 2004. Claims 1-43 remain pending. Claims 1-40 and 42-43 stand rejected and claim 41 is objected to. Claims 1, 15-17, 25-27, 34-35, and 42 have been amended and new claims 44-54 have been added. The subject matter recited in claim 41 as filed is presented in independent form as new claim 53.

The specification and page 2 of the drawings as filed have been amended for technical clarity. The specification previously identified flange 302. In fact, reference numeral 302 refers to a web element, and the specification and FIG. 3a have been amended accordingly to more clearly identify web element 302 and flange 303. Applicant submits that these technical changes are fully supported in the as-filed application. See, e.g., FIG. 1; specification at page 5, line 17 - page 6, line 5 (reference numeral 102 identified as web element). Entry of this amendment is respectfully submitted.

Rejections under 35 U.S.C. § 102

As a preliminary matter, Applicant notes that the Office Action as received by Applicant recites a rejection of claims 1-5, 8-9, 11-13, and 15 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 3,916,578 to Forootan et al. There is no further discussion of Forootan in the Office Action and the subject matter of Forootan does not appear to relate to the present application. Applicant suggests that citation of Forootan was made in error and therefore does not address the Forootan reference in the present amendment.

Claims 1-40 and 42-43 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,605,024 to Sucato et al. ("Sucato"). Claim 41 is objected to. Applicant respectfully requests reconsideration and withdrawal of this rejection. Claims 1, 17, 27, 42, 53 and 54 are independent.

Claims 1, 27, and 42

Applicant has discovered a metal framing member including a region that includes a *plurality of reinforcements proximate to the web slots*. See claims 1, 27, and 42 (emphasis added). The examiner states that Sucato discloses reinforcements in the web elements and that the reinforcements are flanges or darts. Applicant respectfully disagrees. See Office Action at

page 2 (“Reinforcements 66 are in the web elements; the reinforcements comprises flanges or darts.”)

Sucato discloses a “crease line or indentation 66 added to [mesh] 65.” See col. 4, lines 31-32. As shown in FIG. 22, Sucato’s crease line transverses the mesh 65 provided in Sucato. Additionally, a crease line as disclosed in Sucato is not proximate to openings in the mesh, but rather incorporates both the metal mesh and the openings formed in the metal mesh. See FIG. 22.

Sucato does not describe a metal framing member including a plurality of reinforcements proximate to the web slots. Applicant’s reinforcements do not include or incorporate web slots. Furthermore, the dimples or darts, or flanges, do not simply transverse a mesh. See specification at page 7, lines 8-19; FIG. 3, 3a, 3b. Sucato fails to disclose reinforcements proximate to web slots as recited in the present invention.

For at least these reasons, claims 1, 27 and 42 are not anticipated by Sucato. These independent claims’ respective dependent claims incorporate the elements of the independent claims and are therefore also believed to be allowable over Sucato for at least the reasons described above. Applicant respectfully requests that the rejection of these claims be withdrawn.

Claim 17

Applicant has invented a preexpanded metal framing member including from two to five columns of web slots extending along a portion of the length of the member. See claim 17; FIG. 7-9. Sucato, in contrast, discloses “a pair of U-shaped members 62 and 63 which may be formed of a metallic material that are interconnected by bight 64 comprising an expandable mesh 65.” See col. 4, lines 22-25. While claim 17 recites two to five columns of slots, the mesh disclosed in Sucato requires forming at least eight separate and distinct columns of slots. See FIG. 20-21. Sucato fails to disclose a metal framing member including from two to five columns of web slots.

For at least this reason, claim 17 is not anticipated by Sucato. Claims dependent from claim 17 include the elements of claim 17 and are therefore also not anticipated by Sucato for at least the reasons described above. Applicant respectfully requests that the rejection of claim 17 be withdrawn.

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Claims 53 and 54

Claim 41 as filed has been rewritten in independent form as new claim 53, which recites a method for manufacturing a framing member including forming web slots and heat treating the member after expanding the web slots. Examiner has deemed this subject matter to be allowable if presented in independent form. See Office Action at page 3. Applicant therefore requests allowance of claim 53. New claim 54 is directed to a metal framing member and includes similar limitations to claim 53. Claim 54 should therefore also be allowed.

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CONCLUSION

In light of the foregoing amendments and remarks, Applicant respectfully requests that the pending claims be allowed and the application pass to issuance. Enclosed is a check to cover the cost of the claims added herein. The Commissioner is authorized to apply any other charges or credits to deposit account 19-4293.

Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS

The attached replacement sheet of drawings includes changes to FIG. 3a and replaces the original sheet including FIG. 2a, FIG. 3, FIG. 3a, and FIG. 3b.

In FIG. 3a, reference numeral 303 identifying strengthening flange 303 has been added, as indicated in the attached copy of the original sheet including changes marked in red ink.

Please find attached following last page of Amendment:

Replacement Sheet (1 page)

Annotated Sheet Showing Changes (1 page).

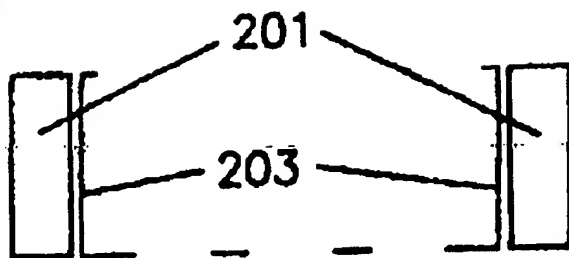


FIG. 2a
sect.cc

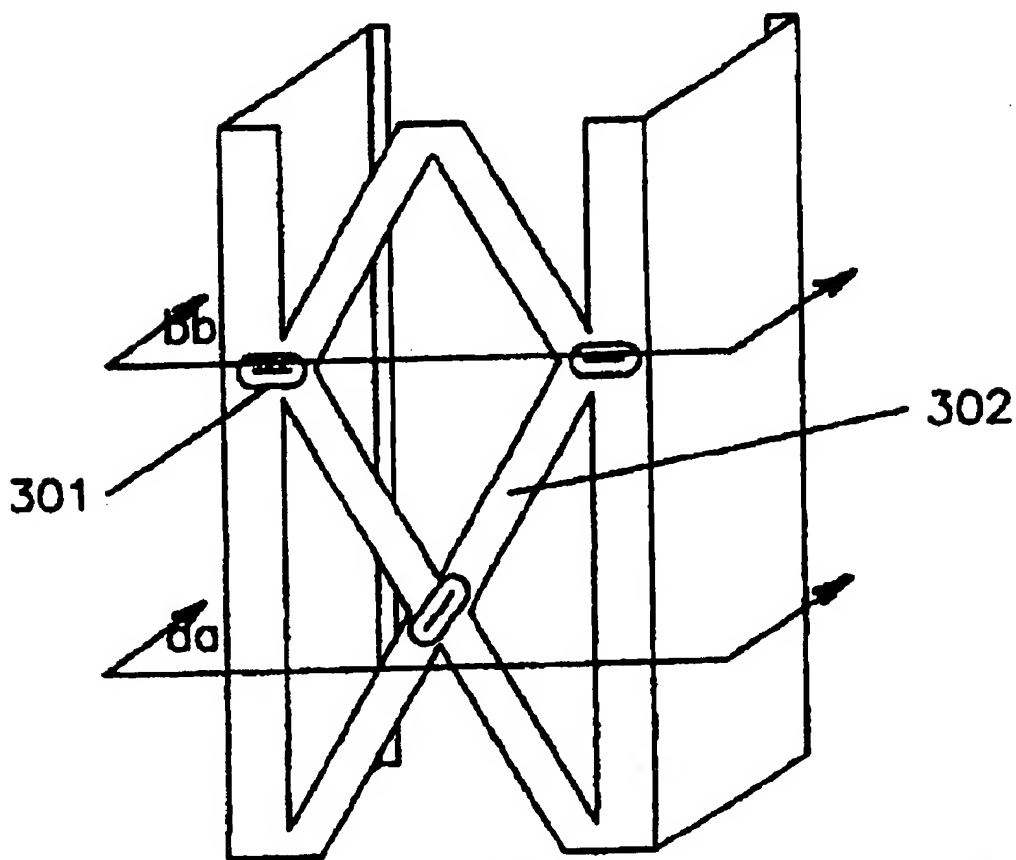


FIG. 3

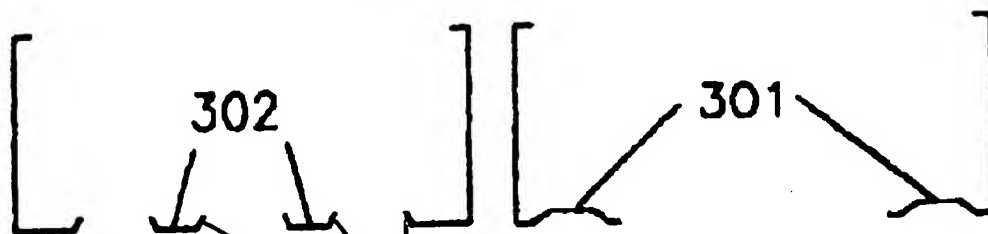


FIG. 3a
Sect. aa

FIG. 3b
Sect. bb